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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,835	12/12/2001	Ernie F. Brickell	884.437US1	9613

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EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/017,835	Applicant(s) BRICKELL ET AL.	
	Examiner Cristina Owen Sherr	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the Application filed December 12, 2001.

Claims 1-43 have been examined in this case.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by French et al (US 6,321,339).

5. Regarding claim 1 –

French discloses a method of providing an authentication service, comprising: relating a user identity to a set of a plurality of authentication mechanisms; relating a type of transaction with a relying party to a level of authentication; and authenticating the user

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identity through at least one authentication mechanism in the set of the plurality of authentication mechanisms for the type of transaction, according to the level of authentication (e.g. col 5 p 8 – col 6 p 2).

6. Regarding claims 2-6 –

French discloses the method as recited in claim 1, further comprising: selecting the at least one authentication mechanism depending on the plurality of authentication mechanisms related with the user and the level of authentication (e.g. col 5 p 6); further comprising: monitoring a series of authentications for the relying party to detect fraud (e.g. col 5 p 6); wherein the authentication mechanisms in the set of authentication mechanisms are part of a distributed system (e.g. col 6 p 7); wherein at least one of the authentication mechanisms is mobile (e.g. col 2 p 3); a computer-readable medium having computer-executable instructions for performing the method as recited in claim 1 (e.g. col 2 p 3).

7. Claims 7-12 are rejected under 35 U.S.C. 102(e) as being anticipated by French et al (US 6,321,339).

8. Regarding claim 7 –

French discloses a method of syndication, comprising: offering an authentication service, the authentication service being capable of authenticating a user identity with a plurality of authentication mechanisms, rendering results of the authentication to at least one relying party, and dynamically making an authorization decision; and distributing the authentication service to the at least one relying party (e.g. col 5 p 8 – col 6 p 2).

9. Regarding claims 8-12 –

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French discloses the method as recited in claim 7, wherein the at least one relying party integrates the authentication service together with other offerings; wherein the dynamic authorization decision is based on a requested access level, authentication mechanisms used, and an account status; further comprising: providing secure recovery from potential fraud without requiring re-registration of a user; further comprising: charging the relying party for each authenticating event; and a computer-readable medium having computer-executable instructions for performing the method as recited in claim 6 (e.g. col 2 p 3, col 6 p 7, col 5 p 6).

10. Claims 13-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Menezes et al ("Handbook of Applied Cryptography").

11. Regarding claim 13 –

Menezes discloses a method of registration, comprising: authenticating a user; determining a level of identity confirmation for a registration; receiving a new authentication mechanism; receiving new authentication verification information; and storing user identity information, the level of identity confirmation, and the new authentication verification information in a database (e.g. page 560 sec ii).

12. Regarding claims 14-26 –

Menezes discloses the method as recited in claim 13, wherein authenticating the user is done by a registration server; wherein authenticating the user is done by a registration agent; wherein authenticating the user is performed by using an authentication mechanism stored in the database; further comprising receiving from the user, a request for registration; wherein receiving the request for registration is done by an

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authentication server; wherein receiving the request for registration is done by an authentication agent; wherein determining the level of identity confirmation for the registration is done by a registration server; wherein determining the level of identity confirmation for the registration is done by a registration agent; wherein receiving new authentication verification information is done by a registration server; further comprising sending the user identity information, the level of identity confirmation, and the new authentication verification information; wherein sending is done from a registration server to an authentication server; wherein sending the user identity information, the level of identity confirmation, and the authentication verification confirmation is done from a registration agent to a registration server; further comprising sending pre-existing user information (e.g. page 560 sec i; page 560 sec ii).

13. Claims 27-40 are rejected under 35 U.S.C. 102(e) as being anticipated by French et al (US 6,321,339).

14. Regarding claim 27 –

French discloses a method of providing an authentication service, comprising providing a list of supported authentication methods; receiving requirements for an authentication level from at least one relying party; receiving a selection of authentication methods from at least one user; receiving identification information for the at least one user; producing a portfolio associated with the at least one user, the portfolio comprising the list of authentication methods, each authentication method in the portfolio meeting the selection of the at least one user, each authentication method in the portfolio supported by an authentication system, the list of authentication methods meeting the

requirements for the authentication level from the at least one relying party; and relating the identification information to the portfolio for the at least one user (e.g. col 2 p 10 – col 3 p 1).

15. Regarding claim 28-40 –

French discloses the method as recited in claim 27, wherein receiving the selection is a subset of the list of supported authentication methods; further comprising: storing the portfolio on an authentication server capable of providing the authentication service to the at least one relying party; further comprising providing a selection of authentication methods to the at least one user; receiving at least one selected authentication method from the at least one user; receiving authentication information required to perform authentication for each of the at least one selected authentication methods; wherein the portfolio includes the authentication information; further comprising authenticating, by the authentication system, the at least one user to the at least one relying party; wherein authenticating the at least one user to the at least one relying party comprises providing a challenge to the at least one user; accepting a response to the challenge from the at least one user; examining the response to the challenge to ensure its authenticity; comparing authentication information received by the at least one user to the portfolio associated with the at least one user; and communicating an authentication result to the at least one relying party; wherein the at least one relying party is an online pharmacy and the at least one user is a doctor; further comprising adding a new authentication method to the portfolio; wherein adding the new authentication method to the portfolio comprises authenticating the at least one user using an authentication method already

in the portfolio; receiving authentication information for the new authentication method; and storing the new authentication method and its authentication information in the portfolio; further comprising receiving notice of a potentially compromised authentication method in the portfolio; authenticating the at least one user using an authentication method already in the portfolio, but not using the potentially compromised authentication method; and revoking the authentication information for the potentially compromised authentication method in the portfolio associated with the at least one user further comprising monitoring authentication events for the at least one user; and detecting possible fraud for a suspect authentication method; further comprising authenticating the at least one user using an authentication method already in the portfolio, but not using the suspect authentication method; communicating the possible fraud to the at least one user; and upon confirmation of fraud, revoking the suspect authentication method in the portfolio; further comprising: automatically revoking the suspect authentication method in the portfolio; wherein the possible fraud is potentially serious fraud; and a computer-readable medium having computer-executable instructions for performing the method as recited in claim 27 (e.g. col 2 p 10 – col 3 p 1, col 5 p 8 – col 6 p 2).

16. Claims 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by French et al (US 6,321,339).

17. Regarding claim 41 –

French discloses a method of authentication, comprising: requesting, by a user to a relying party, a protected service; sending, by the relying party, a description of the

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request to an authorization server; determining, by the authorization server, a first level of assurance; sending, by the authorization server to an authentication server, the first level of assurance; requesting, by an authentication server, authentication from the user; entering, by the user, authentication information into an authentication device; sending, by the authentication device to the authentication server, authentication information; verifying, by the authentication server, the authentication information using authentication verification information stored in a portfolio in a database that is associated with the user; computing, by the authentication server, a second level of assurance; evaluating whether the second level of assurance is high enough; sending, by the authentication server to the authorization server, a first success message, upon determining the second level of assurance is high enough; verifying, by the authorization server, information from the authentication server; verifying, by the authorization server, that the user is allowed to perform the protected service; sending, by the authorization server to the relying party, a second success message, upon verification of the information from the authentication server and verification that the user is allowed to perform the protected service; and providing, by the relying party to the user, the protected service (e.g. col 2 p 10 – col 3 p 1).

18. Regarding claims 42-43 –

French discloses the method as recited in claim 41, further comprising: requesting, by the authentication server to the user, authentication using at least one additional authentication method, upon determining the second level of assurance is not high enough; further comprising sending, by the authentication server to the authorization

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server, a first failure message and a reduced level of assurance, upon determining the user is unable to 5 authenticate using the at least one additional authentication method; storing, by the authorization server, the reduced level of assurance; sending, by the authorization server to the relying party, a second failure message; and providing, by the relying party to the user, a third failure message (e.g. col 5 p 8 – col 6 p 2).

19. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Elander et al US 4,500,750) discloses cryptographic application for interbank verification.

22. Obashi et al (US 5,761,309) discloses an authentication system.

23. Pare, Jr., et al (US 5,870,723) discloses a tokenless biometric transaction authorization method and system.

24. Kucharczyk et al (US 6,300,873) discloses a locking mechanism for use with one-time access code.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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